

# State of South Dakota

## SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

884E0460

### SENATE BILL NO. 127

Introduced by: Senators Munson, de Hueck, Koetzle, McIntyre, Moore, and Sutton (Dan)  
and Representatives Olson (Mel), Bradford, Burg, Elliott, Gillespie,  
Kloucek, Kooistra, Madsen, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to limit the Department of Labor's authority to recommend  
2 settlements in labor disputes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 60-10-2 be amended to read as follows:

5 60-10-2. If its efforts as conciliator prove unsuccessful, the department of labor shall, if  
6 requested by either party, impartially investigate the matters in difference between the parties.  
7 The request to the department shall be mailed within twenty days after the conclusion of the  
8 conciliation procedure provided for in § 60-10-1. The department shall give each party ample  
9 opportunity for presentation of the facts and shall make a report of the issues involved and a  
10 recommendation for settlement of the controversy its final offer on each unresolved issue and  
11 the rationale supporting its final offer on each unresolved issue. Within twenty days following  
12 the presentations of the final offers of both parties, the department shall issue a recommendation  
13 on each unresolved issue and the rationale supporting each recommendation. The department  
14 shall recommend either the final offer of the public employees or the final offer of the public

1 employers on each unresolved issue and may not make any alternative recommendation. The  
2 department shall furnish a copy of its recommendation to each of the parties and to any local  
3 newspaper for publication for the information of the public.

4 Section 2. That chapter 60-10 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Each party shall submit to the department a copy of the final offer made to the other party  
7 on each unresolved issue and the rationale supporting the final offer on each unresolved issue  
8 with proof of service of a copy upon the other party. Each party shall also submit a draft, in  
9 writing, that includes all tentative agreements reached by the parties. The parties may continue  
10 to negotiate all offers until an agreement is reached or until a recommendation and rationale are  
11 issued by the department. The department shall consider the following factors in making its  
12 recommendation:

- 13 (1) Any past collective bargaining contract between the parties, including the bargaining  
14 that led up to the contract;
- 15 (2) The power of the public employer and political subdivision to finance the final  
16 collective bargaining agreement;
- 17 (3) Comparisons with employees performing similar work in the public sector in South  
18 Dakota and in states contiguous to South Dakota;
- 19 (4) The interests and welfare of the public and the employees; and
- 20 (5) Any other factor normally or traditionally taken into consideration in the  
21 determination of wages, hours, and conditions of employment through collective  
22 bargaining.

23 Section 3. That § 60-10-3 be repealed.

24 ~~60-10-3. The secretary of labor shall have the right, if he so desires, or if requested by either~~

- 1 ~~party, to call in two capable citizens not directly connected with the dispute, one to be named~~
- 2 ~~by each party, to assist in the investigation and advise with him as to his recommendations.~~